

**WEST VALLEY CITY
PLANNING COMMISSION
MINUTES**

February 25, 2009

The meeting was called to order at 4:03 p.m. by Chairman Harold Woodruff at 3600 Constitution Boulevard, West Valley City, Utah

WEST VALLEY CITY PLANNING COMMISSION MEMBERS

Harold Woodruff, Brent Fuller, Jack Matheson, Phil Conder, and Mary Jayne Davis

ABSENT:

Terri Mills and Jason Jones

WEST VALLEY CITY PLANNING DIVISION STAFF

Steve Pastorik, Jody Knapp, and Nichole Camac

WEST VALLEY ADMINISTRATIVE STAFF:

Tim Bywater, Assistant City Attorney

AUDIENCE

Approximately eleven (11) people were in the audience

ZONE TEXT CHANGE APPLICATION:

ZT-2-2009

**Major Home Occupation for feeder animal breeding
Skye Rees**

This is a proposed amendment to Section 7-8-103 of the West Valley City Municipal Code relating to major home occupations. The applicant, Mr. Rees would like to amend this section of the code to allow for a rat breeding facility in a residential zone. Currently any type of breeding facility is only allowed in the agricultural zone, on property with at least one-acre, and it would be reviewed as a conditional use. The amendment also proposes to allow for the business to be conducted within a garage and/or accessory building which is currently prohibited.

Mr. Rees submitted a draft ordinance with several conditions that he felt would apply to this use. Staff has contacted the USDA, the Salt Lake Valley Health Department, The UT Humane Society, and WVC Animal Control and received some guidelines and suggestions from these agencies to expand on the draft submitted by Mr. Rees.

The draft currently includes items that are specific to rat/mouse breeding and staff feels these requirements would be more appropriate in Title 23, which is the Animal Control section of the West Valley City Code or as conditions of approval for a specific use that is proposed as a major home occupation. Therefore, if the Planning Commission feels this use is appropriate in a residential zone staff would recommend continuance of this application to provide staff more time to research this use and organize the process and ordinance text for this amendment.

A copy of this draft has been included for your review.

Staff Alternatives:

1. **Denial**, as this is not an appropriate use in a residential zone.
2. **Continuance**, to provide time for staff to research and draft a more formal ordinance for review.

Applicant:

Skye Rees
3877 S. 6955 W.

Favored:

James Dix
Reptile Rescue Service

Discussion: Jody Knapp presented the application. Harold Woodruff asked what the term “active traps” indicates. Jody replied that it is typical rat traps. Skye Rees explained the photos and how the cages are utilized. He stated that active traps are used just in case a rat or mouse escapes but in most cases they are captured by hand. Jack Matheson questioned how big the animals are when they are sold. Skye replied that it varies but they are often sold when they are babies and not yet weaned from their mother. Commissioner Matheson stated that West Valley City

has an ordinance against converting garage space and stated that this is something he is concerned about in regards to this application. He added that he feels this isn't a home occupation ordinance but an agricultural animal one. Skye questioned what animals are defined as agricultural. He stated that the mice and rats are not outside, cause no odor, and there would be no visible sign of them being there. He indicated that he views an agricultural animal as a large mammal. Mary Jayne Davis questioned how the animals are transported. Skye replied that he has constructed a type of carrying case that easily transports the animals by car. Commissioner Davis asked how secure this case is. Skye stated that he has never had an animal escape in the car or outside of the building. He added that he has affidavits from his neighbors that have no complaint about his business. Phil Conder asked if Mr. Rees plans to expand the business from his home. Skye indicated that he has looked into expanding it commercially but would not be able to expand any further in his home due to restrictions proposed in the drafted ordinance.

James Dix, representing the Reptile Rescue Service, stated that this proposed home occupation would benefit the community. He explained that purchasing rats or mice from the store is expensive which makes it difficult for reptile owners to maintain their pets. James indicated that these types of rats and mice are domesticated, trained, odorless, do not contain rabies, are harmless to the community, and are the types of animals sold in pet stores. He added that he has personally seen the cages and believes they are well constructed and secure.

Jack Matheson questioned if the garage is okay to store the bins containing the animals. Tim Bywater replied that the garage would not be an allowable space. Jody Knapp explained that since the applicant is proposing a change to the ordinance, he will likely request that this use be allowed in a garage as long as there is additional parking on-site. Skye added that his understanding is that since this is being proposed as a major home occupation, the garage can be used as storage. He explained that if the garage is a big concern, he could add another shed to the property as long as it is legal. Phil Conder asked if there is room to park if the animals are stored in the garage. Skye stated that it is a one car garage but he could still park his car inside it if he chose to. He indicated that he has never used the garage for parking.

Brent Fuller questioned what agencies would review the use. Jody replied that the West Valley City Animal Control would likely review the use because they have the greatest jurisdiction. Mary Jayne Davis stated that she applauds Mr. Rees' ingenuity but still has questions about the viability of this proposal in a residential area. Phil Conder stated that this seems to be a good operation and forming an ordinance that works well for everyone seems like something that can be done. He added that preventative measures should be taken to stop irresponsible people from abusing the situation. Brent Fuller agreed and asked how this application came before the Planning Commission. Jody indicated that animal control received a complaint from Mr. Rees' competition. Commissioner Conder

indicated that he feels the requirement that bans the construction of a shed for a home occupation may not be necessary. Harold Woodruff asked what other examples there are of other major home occupations. Jody stated that there has been applications for pottery classes and a printing press business. Skye stated that animal control would inspect people of this occupation therefore irresponsible breeders would not get away with anything for too long. James Dix stated that he teaches Animal Control officers on how to deal with snakes all the time and has never heard a complaint about rodents. Jack Matheson stated that some rats can get up to five pounds and questioned whether a restriction on the number of animals should be included like there are for dogs. Skye stated that he has never heard of or seen a 5 pound rat before. Phil added that dogs are not kept in containers. He stated that he feels staff can come up with criteria to make this work.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Conder moved for continuance to provide time for staff to research and draft a more formal ordinance for review.

Commissioner Fuller seconded the motion.

Roll call vote:

Commissioner Conder	Yes
Commissioner Davis	Yes
Commissioner Fuller	Yes
Commissioner Matheson	No
Chairman Woodruff	Yes

Majority - ZT-2-2009-- Continued

CONDITIONAL USE APPLICATION:

C-1-2009

K.D.A Business Park Reception Center

3572 South 1950 West

C-2 Zone (.55 Acres)

The applicant, Delyle Billings, is requesting a conditional use permit for Reception Center. The zoning for this area is C-2, General Commercial. The West Valley City General Plan anticipates General Commercial uses for this area. The surrounding zones are C-2, A and R-1-8. The surrounding uses include an office/warehouse complex that is located to the west of this building and is located in the same complex with single family residential just beyond that. To the south is a residential condominium project. To the north is an auto repair/storage lot.

Mr. Billings is proposing to utilize 8,000 square feet of the existing building on site for a reception center. The West Valley City Fire and Building Inspection Departments will review the facilities to determine the maximum occupancy allowed in the building. Security and medical personnel may be required on site for events as determined by the West Valley City Fire and Police Departments. However, at this time they have indicated it will not be required.

Parking is typically a concern for this type of use and .5 parking spaces/100 square feet is the minimum required. This proposal is approximately 8,000 square feet, which would require 160 parking spaces. There are approximately 169 spaces on site however, these spaces are also used by the other businesses in the center. Mr. Billings has indicated that the businesses close by 6:00 p.m. and that the reception center would not be permitted to open until after that time. There is a church located in the building as well that conducts evening services. It is a very small congregation so the nine remaining parking spaces are adequate for this use during the week and evenings. Most of the traffic for this use occurs on Sunday afternoons so parking would not be an issue at that time.

Noise is a concern at this location due to the proximity to residential uses. The building is within 500' to residential property so this use will be required to meet the following requirement from the West Valley City Code:

7-6-1012. ADDITIONAL REGULATION OF RESTAURANTS, DANCE HALLS, CONCERT HALLS, RECEPTION CENTERS AND PRIVATE CLUBS.

(1) It is unlawful for the keeper, manager or person in charge of any restaurant, dance hall, concert hall reception center or private club to permit any singing, dancing, playing of musical instruments or any other form of amusement or entertainment to be carried on the premises when the closest point of the building is within 500 feet of any residential property line after ten o'clock P.M. (10:00) P.M. and before six o'clock (6:00) A.M. This restriction should be extended to two o'clock (2:00) a.m. on January 1 of year for New Year's Day.

(2) Parking lots must be closed and vacated within thirty (30) minutes of closing by security personnel.

Signage has not been submitted at this time however, there is an existing multi tenant monument sign on the property that the applicant may utilize. Any wall signs would be required to meet the West Valley City Sign standards as well.

Staff Alternatives:

Continuance, to allow for the resolutions of any issues raised at the public hearing as well as the following:

1. The occupancy requirements must be in accordance with the West Valley City Fire and Building Inspection Departments requirements.

2. The parking for this use must be located in properly designated parking areas on site and must be located on asphalt or concrete as approved by West Valley City. Gravel can not be used for surfacing for the parking and 1950 West can not be utilized for parking.
3. The entire parking area of this site shall be available during the hours of operation for the reception center. The other business on site will not be open for business during event times and shall not be utilizing any of the parking. If the site is further developed, as proposed in the Billings Office/Warehouse development, the parking for this use shall be re-evaluated.
4. This use shall adhere to the requirements set forth in 7-6-1012 of the West Valley City Municipal Code.
5. Security and Medical personnel may be required on site as determined by the West Valley City Fire and Police Departments.
6. All signage shall meet the requirements set forth in the West Valley City Sign Ordinance.
7. This use is subject to review upon a valid complaint.

Continuance, to allow for the resolutions of any issues raised at the public hearing or to allow the applicant time to conduct a parking study and prepare an accurate site/parking plan.

Applicant:

Delyle Billings
6725 S. 1405 E.
SLC, UT 84121

Opposed:

Charmaine Talbert
3615 S. Stonecreek Dr.

Opposed:

Norma Wells
1998 W. 3605 S.

Opposed:

Linda Gomez
2018 W. 3605 S.

Opposed:

Ruben Gomez
2018 W. 3605 S.+

Discussion: Jody Knapp presented the application. Jack Matheson stated that he is concerned with parking lot noise after 10 p.m. including lights from cars, people talking, and doors slamming. Jody replied that the applicant has indicated the hours of operation will be from 6 p.m. – 10 p.m. but it is not listed as a condition. She stated that parking is completed on the site and it does take into account the possible third building. She stated that parking could still be an issue if the reception hall is full. Jack Matheson asked if alcohol is allowed and the catering/preparing of food. Jody stated that preparing the food is a health department issue and alcohol is handled differently because it is a reception center.

Delyle Billings stated that there is a dance studio that is sometimes open later than 6 p.m. but this would only take about 6 parking spaces. Harold Woodruff asked if Mr. Billings will operate the facility himself. Delyle answered yes. Jack Matheson asked if Mr. Billings owns a parking lot across the street to the east. Delyle replied no. Harold Woodruff asked what types of groups are anticipated to utilize the facility. Delyle stated that it would mostly be used for wedding receptions and birthdays and added that he has already received a lot of calls regarding this type of use which is what gave him the idea in the first place. He indicated that the groups would most often be smaller consisting of an estimated 50-100 people. Brent Fuller asked if there is a way to eliminate bothersome sound. Delyle stated that the reception hall will be no louder than the neighboring dance studio.

Charmaine Talbert stated that she has lived next door to this site for 23 years and never had a problem until Rio Nilo came to the neighborhood. She stated that there was a lot of parking on the street, vandalism, and loud music and she is concerned that this reception hall will be the same thing. Phil Conder asked what Ms. Talbert would like to see here. She replied something quiet like a craft store would be nice. Phil Conder indicated that this building is half of what Rio Nilo was and asked if it could be expanded in the future. Jody replied that the parking requirements are for half of the building so the applicant wouldn't be allowed to expand.

Norma Wells stated that her bedroom is facing the parking lot and she is concerned about noise. Jack Matheson questioned whether Ms. Wells resides in two story home. She replied that her home is one story but others around her are two stories. She indicated that there is a 6 foot masonry fence but she can still hear car engines and see lights. She added that she is concerned about people going out to their cars and drinking before or after the reception. Delyle indicated that the fence is a solid 6 foot cement fence.

Linda and Ruben Gomez expressed concern about graffiti and parking. Mr. Gomez stated that the dance studio is further back and is a different type of building. He stated that he would prefer more homes in the area.

Jack Matheson stated that Rio Nilo had a major problem with parking as well as various crime and noise which required the Police Department to be called in. He indicated that he feels security is required at every event and added that he doesn't believe the parking will be enough. Jody stated that a parking study could be done and explained that the Police Department is aware of the application and is not concerned. Phil Conder stated that security shouldn't be required because Rio Nilo was open to the public while this reception center is more of a private gathering. Commissioner Fuller stated that Rio Nilo, as the previous tenant, is casting a negative feel to this entire site. He stated that this isn't fair but parking is still a concern and the application should be continued for this reason.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Fuller moved for continuance to allow time to work out parking issues.

Commissioner Davis seconded the motion.

Roll call vote:

Commissioner Conder	Yes
Commissioner Davis	Yes
Commissioner Fuller	Yes
Commissioner Matheson	Yes
Chairman Woodruff	Yes

Unanimous -C-1-2009- Continued

PLANNING COMISSION BUSINESS

Approval of minutes from February 11, 2009 (Regular Meeting) **Approved**

Approval of minutes from February 18, 2009 (Study Session) **Approved**

There being no further business, the meeting adjourned at 5:32 p.m.

Respectfully submitted,

Nichole Camac, Administrative Assistant